

OGC Has Reviewed

29 July 1954

MEMORANDUM FOR: Mr. [REDACTED] 25X1A
SUBJECT : Travel Voucher - [REDACTED] 25X1A2e

1. You have asked us to review the legal aspects of the attached [REDACTED] of 26 May 1954. This dispatch relates to the claim on behalf of Mr. [REDACTED] for payment by the Agency of per diem for Mr. [REDACTED] dependents for the period of their concurrent travel to [REDACTED] by way of [REDACTED]

2. My understanding is that an arbitrary cut-off date of 1 October 1953 has been decided upon for application of the administrative procedures granted under the former private cover. Since Mr. [REDACTED] travel was performed during July and August of 1953, it would appear that per diem for his dependents may legally be granted, if granted by the former cover facility, as we understand was the case. It would be my opinion, however, that the per diem, if granted, should be limited to an amount applicable to the period of time it would have taken for direct travel by the usually-traveled route between Washington, D. C., and [REDACTED]. The dispatch alleges that for cover reasons [REDACTED] was ordered to proceed to [REDACTED] via [REDACTED] and that, if it were not intended that he should receive the per diem allowance for his dependents, he should have been ordered to take his family direct to [REDACTED]. Our best information is that [REDACTED] cover is that of a [REDACTED] civilian and, as such, it is difficult to envision the cover reasons why it was necessary to proceed with his family via [REDACTED] which would be contrary to normal governmental practice. In addition, his orders, as communicated to us, did not require that he proceed to [REDACTED] via these other [REDACTED], but provided for travel direct to [REDACTED] from Washington, D. C., with temporary duty authorized for Mr. [REDACTED] at [REDACTED]. In our opinion, the normal procedure would have been for Mr. [REDACTED] to travel to his temporary duty post while his family proceeded directly to his permanent duty station. On that assumption, we would have no legal objection to the payment to Mr. [REDACTED] of the amount of per diem applicable to his family's direct travel to [REDACTED]. Time spent in transit above this amount would appear to me to be Mr. [REDACTED]'s personal responsibility.

25X1A9a
[REDACTED]
Office of General Counsel

Att.

OGC/TMF:mm

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NO att.